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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,319	03/26/2002	Toru Maeda	1018.1130101	5809

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EXAMINER

BROWN, VERNAL U

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 05/10/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/030,319

Applicant(s)

TORU MAEDA

Examiner

Vernal U Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/26/2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The application of Toru Maeda et al. for Remote Vehicle Controller filed March 26, 2002 has been examined. Claims 1-14 are pending.

Drawings

The drawings are objected to because figure 4 is not labeled in English. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 2 are objected to because of the following informalities: The word "are" in the last line of claim 2 should be spelt "area". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-7 and 9-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 2-7 and 9-13, the first area is not distinctly claimed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rohrl et al. U.S Patent 6211776 in view of Flick U.S Patent 6188326.

Regarding claim 1, Rohrl et al. teaches a vehicle remote controller comprising a portable device (7) carried by a driver and a transceiver (1) arranged in a vehicle to output a request signal for intercommunicating with the portable device (col. 3 lines 35-38). Rohrl et al. is however silent on teaching outputting a transponder driving radio wave and the transceiver has a common antenna for transmitting the request signal and the transponder driving radio wave. Flick in an art related vehicle control system teaches outputting a transponder driving radio wave (col. 8 lines 39-49) and the received signal causes the transponder to transmit its coded message to the controller (col. 8 lines 50-53). The signal received from the controller which causes the transponder to transmit its coded message is also considered the request signal and the common antenna attached to the transmitter 83 is used for transmitting the request signal and the transponder driving signal (figure 4).

It would have been obvious to one of ordinary skill in the art to use a common antenna to output a transponder driving radio wave and the request signal in Rohrl et al. as evidenced by

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Flick because Rohrl et al. suggests a controller outputting signal via an antenna to a portable device and Flick teaches a transponder operating in the passive mode and is powered by extracting energy from the received signal and the signal received from the controller which cause the transponder to transmits its coded message is also considered the request signal and the common antenna attached to the transmitter is used for transmitting the request signal and the transponder driving signal.

Regarding claims 2 and 9, Rohrl et al. teaches the transceiver outputs the request signal in at least one of a first area, which is in a vehicle passenger compartment (col. 5 lines 46-55), and an area outside the vehicle passenger compartment (col. 7 lines 14-17) but is silent on teaching outputting the transponder driving signal in the area which is inside the vehicle compartment. Flick in an art related vehicle control system teaches outputting a transponder driving radio wave (col. 8 lines 39-49). Flick further teaches outputting the transponder wave when the key is in the ignition (figure 4) that is an area inside the vehicle compartment.

It would have been obvious to one of ordinary skill in the art to output the transponder driving signal in the area which is inside the vehicle compartment in Rohrl et al. as evidenced by Flick because Rohrl et al. suggest a transceiver outputting the request signal inside and outside of the vehicle compartment and Flick teaches outputting the transponder driving signal in the area which is inside the vehicle compartment so as to enable the operation of the vehicle when the operator is inside the vehicle.

Regarding claims 3 and 10, Rohrl et al. teaches a first area II forming a larger area than area I in the vehicle (figure 5).

Regarding claims 4 and 11, Rohrl et al. teaches an antenna (6) near the center of the vehicle (figure 5).

Regarding claims 5 and 12, Rohrl et al. teaches an antenna (6) near the center of the vehicle (figure 5) but is not explicit in teaching the antenna is arranged on a center console. One skilled in the art recognizes that the console is generally located in the center of the automobile and it is therefore obvious for the centrally located antenna to be located on the console.

It would have been obvious to one of ordinary skill in the art for the antenna to arranged on a center console in Rohrl et al. in view of Flick because Rohrl et al. in view of Flick suggests an antenna near the center of the vehicle and one skilled in the art recognizes that the console is generally located in the center of the automobile and it is therefore obvious for the centrally located antenna to be located on the console.

Regarding claims 6 and 13, Rohrl et al. teaches detecting the transponder (col. 3 lines 42-47) but is silent on teaching a mounting portion on the portable device and a detecting means which is arranged on the mounting portion to detect whether the portable device is placed when the detecting means detects that the portable device is placed on the mounting portion, and the transceiver output the transponder driving radio wave. Flick in an art related vehicle control system teaches detecting the key place in the mounting portion formed by the steering column (figures 4-5) and the transceiver output the transponder driving radio wave (col. 8 lines 50-55).

It would have been obvious to one of ordinary skill in the art to have a mounting portion on the portable device and a detecting means which is arranged on the mounting portion to detect

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whether the portable device is placed when the detecting means detects that the portable device is placed on the mounting portion, and the transceiver output the transponder driving radio wave in Rohrl et al. as evidenced by Flick because Rohrl et al. suggests detecting the presence of the transponder and Flick teaches detecting the presence of the transponder by detecting the key place in the mounting portion formed by the steering column and the transceiver output the transponder driving radio wave in order to enable the vehicle operation.

Regarding claim 7, Rohrl et al. teaches the transponder (7) is disposed on a card in handle of the key (col. 4 lines 33-35) but is not explicit in teaching the transponder of the mechanical key receives the transponder driving radio wave for generating electric power from the transceiver and generating a transponder signal according to the transponder driving radio wave and transmitting the transponder signal to the transceiver. Flick in an art related vehicle control system teaches a key switch (84) for enabling the start of the engine and teaches a transponder attached to the mechanical key (figure 4). Flick also teaches receiving the transponder driving radio wave for generating electric power from the transceiver and generating a transponder signal according to the transponder driving radio wave and transmitting the transponder signal to the transceiver (col. 8 lines 39-49).

It would have been obvious to one of ordinary skill in the art for the transponder of the mechanical key receives the transponder driving radio wave for generating electric power from the transceiver and generating a transponder signal according to the transponder driving radio

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wave and transmitting the transponder signal to the transceiver in Rohrl et al. as evidenced by Flick because Rohrl et al. suggests the transponder is disposed on a card in handle of the key and power is extracted from the received signal and Flick teaches the transponder attached to a mechanical key receiving the transponder driving radio wave for generating electric power from the transceiver and generating a transponder signal according to the transponder driving radio wave.

Regarding claims 8 and 14, Rohrl et al. teaches a vehicle remote controller comprising a transceiver (1) arranged in a vehicle to generate a request signal (col. 3 lines 35-38) and a portable device (7) carried by a driver, the portable device having a request signal processing circuit for receiving the request signal from the transceiver, generating a first signal based on the request signal, and transmitting the first signal to the transceiver (col. 3 lines 44-47). Rohrl et al. is however silent on teaching outputting a transponder driving radio wave and the transceiver has a common antenna for transmitting the request signal and the transponder driving radio wave. Flick in an art related vehicle control system teaches outputting a transponder driving radio wave (col. 8 lines 39-49) and the received signal causes the transponder to transmits its coded message to the controller (col. 8 lines 50-53). The signal received from the controller which causes the transponder to transmits its coded message is also considered the request signal and the common antenna attached to the transmitter 83 is used for transmitting the request signal and the transponder driving signal (figure 4).

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It would have been obvious to one of ordinary skill in the art to use a common antenna to output a transponder driving radio wave and the request signal in Rohrl et al. as evidenced by Flick because Rohrl et al. suggests a controller outputting signal via an antenna to a portable device and Flick teaches a transponder operating in the passive mode and is powered by extracting energy from the received signal and the signal received from the controller which cause the transponder to transmits its coded message is also considered the request signal and the common antenna attached to the transmitter is used for transmitting the request signal and the transponder driving signal.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on M-Th, 8:30 AM-6:30 PM.

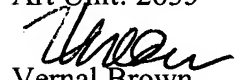
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

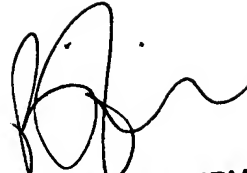
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Vernal Brown

May 3, 2004


BRIAN ZIMMERMAN
PRIMARY EXAMINER